

SENATE BILL No. 453

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1; IC 25-30-1; IC 25-30-3.

Synopsis: Private investigators and security guards. Establishes a program for the licensing of security guards. Makes certain changes concerning the licensing of private detectives and changes the term used in licensing from private detective to private investigator. Provides that a person who engages in the private investigator or security guard business without a license commits a Class C misdemeanor. Changes the name of the private detectives licensing board to the private investigator and security guard licensing board and adds two licensed security guards as members. Requires the issuance of both a private investigator firm license and a security guard firm license to a person who holds a valid private detective license on July 1, 2003.

Effective: Upon passage; July 1, 2003.

Meeks C, Dillon

January 21, 2003, read first time and referred to Committee on Rules and Legislative Procedure.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 453

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-2-6, AS AMENDED BY P.L.162-2002,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 6. (a) As used in this section, "license" includes
4 all occupational and professional licenses, registrations, permits, and
5 certificates issued under the Indiana Code, and "licensee" includes all
6 occupational and professional licensees, registrants, permittees, and
7 certificate holders regulated under the Indiana Code.

8 (b) This section applies to the following entities that regulate
9 occupations or professions under the Indiana Code:

- 10 (1) Indiana board of accountancy.
- 11 (2) Indiana grain buyers and warehouse licensing agency.
- 12 (3) Indiana auctioneer commission.
- 13 (4) Board of registration for architects and landscape architects.
- 14 (5) State board of barber examiners.
- 15 (6) State board of cosmetology examiners.
- 16 (7) Medical licensing board of Indiana.
- 17 (8) Secretary of state.



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- 1 (9) State board of dentistry.
- 2 (10) State board of funeral and cemetery service.
- 3 (11) Worker's compensation board of Indiana.
- 4 (12) Indiana state board of health facility administrators.
- 5 (13) Committee of hearing aid dealer examiners.
- 6 (14) Indiana state board of nursing.
- 7 (15) Indiana optometry board.
- 8 (16) Indiana board of pharmacy.
- 9 (17) Indiana plumbing commission.
- 10 (18) Board of podiatric medicine.
- 11 (19) Private ~~detectives~~ **investigator and security guard** licensing
- 12 board.
- 13 (20) State board of registration for professional engineers.
- 14 (21) Board of environmental health specialists.
- 15 (22) State psychology board.
- 16 (23) Indiana real estate commission.
- 17 (24) Speech-language pathology and audiology board.
- 18 (25) Department of natural resources.
- 19 (26) State boxing commission.
- 20 (27) Board of chiropractic examiners.
- 21 (28) Mining board.
- 22 (29) Indiana board of veterinary medical examiners.
- 23 (30) State department of health.
- 24 (31) Indiana physical therapy committee.
- 25 (32) Respiratory care committee.
- 26 (33) Occupational therapy committee.
- 27 (34) Social worker, marriage and family therapist, and mental
- 28 health counselor board.
- 29 (35) Real estate appraiser licensure and certification board.
- 30 (36) State board of registration for land surveyors.
- 31 (37) Physician assistant committee.
- 32 (38) Indiana dietitians certification board.
- 33 (39) Indiana hypnotist committee.
- 34 (40) Attorney general (only for the regulation of athlete agents).
- 35 (41) Manufactured home installer licensing board.
- 36 (42) Any other occupational or professional agency created after
- 37 June 30, 1981.

38 (c) Notwithstanding any other law, the entities included in
 39 subsection (b) shall send a notice of the upcoming expiration of a
 40 license to each licensee at least sixty (60) days prior to the expiration
 41 of the license. The notice must inform the licensee of the need to renew
 42 and the requirement of payment of the renewal fee. If this notice of

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expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 2. IC 25-1-6-3, AS AMENDED BY P.L.162-2002, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) There is established the Indiana professional licensing agency. The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (12) Private ~~detectives~~ **investigator and security guard** licensing board (IC 25-30-1-5.1).
- (13) State board of registration for land surveyors (IC 25-21.5-2-1).
- (14) Manufactured home installer licensing board (IC 25-23.7).

(b) Except for appeals of denials of license renewals to the executive director authorized by section 5.5 of this chapter, nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 3. IC 25-1-7-1, AS AMENDED BY P.L.162-2002, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of

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the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) ~~Private detectives~~ **investigator and security guard** licensing board (IC 25-30-1-5.1).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental

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health counselor board (IC 25-23.6).

(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(29) State board of registration for land surveyors (IC 25-21.5-2-1).

(30) Physician assistant committee (IC 25-27.5).

(31) Indiana athletic trainers board (IC 25-5.1-2-1).

(32) Indiana dietitians certification board (IC 25-14.5-2-1).

(33) Indiana hypnotist committee (IC 25-20.5-1-7).

(34) Indiana physical therapy committee (IC 25-27).

(35) Manufactured home installer licensing board (IC 25-23.7).

(36) Any other occupational or professional agency created after June 30, 1981.

SECTION 4. IC 25-1-8-1, AS AMENDED BY P.L.162-2002, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) Board of chiropractic examiners (IC 25-10-1).

(7) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15).

(10) State board of registration for professional engineers (IC 25-31-1-3).

(11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Medical licensing board of Indiana (IC 25-22.5-2).

(13) Mining board (IC 22-10-1.5-2).

(14) Indiana state board of nursing (IC 25-23-1).

(15) Indiana optometry board (IC 25-24).

(16) Indiana board of pharmacy (IC 25-26).

(17) Indiana plumbing commission (IC 25-28.5-1-3).

(18) Board of environmental health specialists (IC 25-32-1).

(19) State psychology board (IC 25-33).

(20) Speech-language pathology and audiology board (IC 25-35.6-2).

(21) Indiana real estate commission (IC 25-34.1-2-1).

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- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).
- (23) Department of insurance (IC 27-1).
- (24) State police department (IC 10-1-1-1), for purposes of certifying polygraph examiners under IC 25-30-2.
- (25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (26) Private ~~detectives~~ **investigator and security guard** licensing board (IC 25-30-1-5.1).
- (27) Occupational therapy committee (IC 25-23.5-2-1).
- (28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
- (29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (30) State board of registration for land surveyors (IC 25-21.5-2-1).
- (31) Physician assistant committee (IC 25-27.5).
- (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- (33) Board of podiatric medicine (IC 25-29-2-1).
- (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana physical therapy committee (IC 25-27).
- (36) Manufactured home installer licensing board (IC 25-23.7).
- (37) Any other occupational or professional agency created after June 30, 1981.

SECTION 5. IC 25-1-11-1, AS AMENDED BY P.L.162-2002, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- (12) Real estate appraiser licensure certification board



(IC 25-34.1-8).

(13) Private ~~detectives~~ **investigator and security guard** licensing board (IC 25-30-1-5.1).

(14) Manufactured home installer licensing board (IC 25-23.7).

SECTION 6. IC 25-30-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. This chapter may be cited as the "~~Detective License~~ **Private Investigator Licensing Law**".

SECTION 7. IC 25-30-1-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1.2. (a) Except as provided in subsection (b), this chapter does not apply to a law enforcement officer (as defined in IC 3-6-6-36) who has graduated from ~~the a~~ law enforcement training academy and is employed full time as a law enforcement officer.

(b) This chapter applies to a law enforcement officer to the extent that the law enforcement officer is engaged in the business of ~~a private detective~~ **investigator** as an individual with the assistance of a licensed or unlicensed person.

SECTION 8. IC 25-30-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As used in this chapter:

(1) "Person" means an individual, a firm, a company, an association, an organization, a partnership, or a corporation.

(2) "Licensee" means a person licensed under this chapter.

(3) "~~Private detective~~ **investigator**" means a person who conducts a private ~~detective~~ **investigator** business with or without the assistance of an employee.

(4) "~~Private detective~~ **investigator** business" means the business of:

(A) making, for hire or reward, investigation or investigations for the purpose of obtaining information with reference to:

(i) a crime against the state or wrongs done or threatened;

(ii) the habits, conduct, movements, whereabouts, association, transactions, reputation, or character of a person;

(iii) credibility of witnesses or other persons;

(iv) the location or recovery of lost, ~~or~~ stolen, **abandoned, or unclaimed** property;

(v) the causes, origin, or responsibility for fires or accidents or injuries to real or personal property; or

(vi) the truth or falsity of a statement or representation;

(B) securing, for hire or reward, evidence to be used for authorized investigation committees or boards of award or

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arbitration or in the trial of civil or criminal cases; or
 (C) ~~furnishing, providing~~, for hire or reward, a ~~guard or~~
~~guards or other persons to protect persons or property or to~~
~~prevent the misappropriation or concealment of goods, wares~~
~~and merchandise, money, bonds, stocks, choses in action,~~
~~notes, or other valuable documents or papers; undercover~~
~~investigators to detect and prevent fraud and theft in the~~
~~workplace and elsewhere.~~

(5) "Industrial plant" means a factory, business, or concern that is
 engaged primarily in the manufacture or assembly of goods or the
 processing of raw materials, or both.

(6) (5) "Board" refers to the private ~~detectives investigator and~~
~~security guard~~ licensing board established under section 5.1 of
 this chapter.

(7) (6) "Licensing agency" refers to the Indiana professional
 licensing agency established under IC 25-1-6.

(8) (7) "Resident" means a person who has established an actual
 domicile in Indiana.

(8) "Security guard business" has the meaning set forth in
 IC 25-30-3-10.

SECTION 9. IC 25-30-1-3 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. It ~~shall be~~ is
 unlawful for a person ~~partnership, or corporation~~ to engage in the
 business of a private ~~detective, investigator, or~~ to solicit or advertise
 for business as a private ~~detective, investigator, or~~ to represent or hold
 the person ~~partnership, or corporation~~ out to be a private ~~detective~~
~~investigator~~ unless the person ~~partnership, or corporation~~ is licensed
 under this chapter and complies with this chapter and rules adopted
 under this chapter.

SECTION 10. IC 25-30-1-5, AS AMENDED BY P.L.42-1999,
 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2003]: Sec. 5. This chapter does not require any of the
 following persons to be a licensee:

(1) A law enforcement officer of the United States, a state, or a
 political subdivision of a state to the extent that the officer or
 employee is engaged in the performance of the officer's or
 employee's official duties.

(2) Any person to the extent that the person is engaged in the
 business of furnishing and obtaining information concerning the
 financial rating of other persons.

(3) A collection agency licensed by the secretary of state or its
 employee acting within the scope of the employee's employment,



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to the extent that the person is making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's assets in a property that the client has an interest in or a lien upon.

~~(4) An armored service agency to the extent that the agency is engaged in the business of transporting property to prevent the theft or unlawful taking of goods, wares, merchandise, or money.~~

~~(5)~~ (4) An attorney or employee of an attorney to the extent that the person is engaged in investigative matters incident to the delivery of professional services that constitute the practice of law.

~~(6)~~ (5) An insurance adjuster to the extent that the adjuster is employed in the investigation and settlement of claims made against insurance companies or persons insured by insurance companies if the adjuster is a regular employee of the insurance company and the insurance company is authorized to do business in Indiana and is complying with the laws regulating insurance companies in Indiana.

~~(7) Any employee to the extent that the employee is hired for the purpose of guarding and protecting the properties of railroad companies and is licensed as a railroad policeman under IC 8-3-17.~~

~~(8) An owner of an industrial plant or an employee of the owner to the extent that the person is hiring a plant security guard for the owner's industrial plant.~~

~~(9)~~ (6) A person primarily engaged in the business of furnishing information for:

(A) business decisions and transactions in connection with credit, ~~employment~~, **credit granting**, or marketing; or

(B) insurance **underwriting** purposes.

~~including a consumer reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).~~

~~(10) A retail merchant or an employee of the retail merchant to the extent that the person is hiring a security guard for the retail merchant's retail establishment.~~

~~(11)~~ (7) A professional engineer registered under IC 25-31 or a person acting under a registered professional engineer's supervision, to the extent the professional engineer is engaged in an investigation incident to the practice of engineering.

~~(12)~~ (8) An architect with a certificate of registration under IC 25-4, to the extent the architect is engaged in an investigation incident to the practice of architecture.

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1 ~~(13)~~ **(9)** A land surveyor with a certificate of registration under
 2 IC 25-21.5, to the extent the land surveyor is engaged in an
 3 investigation incident to the practice of land surveying.

4 ~~(14)~~ **(10)** A certified public accountant with a certificate under
 5 IC 25-2.1-3, to the extent that the person is engaged in an
 6 investigation incident to the practice of accountancy.

7 SECTION 11. IC 25-30-1-5.1 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5.1. (a) The private
 9 ~~detectives investigator and security guard~~ licensing board is
 10 established.

11 (b) The board consists of the superintendent of the state police
 12 department or the superintendent's designee and the following ~~six (6)~~
 13 **seven (7)** members appointed by the governor from different
 14 geographic regions of Indiana as determined by the governor:

15 (1) ~~Two (2)~~ **Three (3)** private ~~detectives investigators~~ licensed
 16 under this chapter. ~~who are associated with a private detective~~
 17 ~~business that employs less than fifteen (15) persons.~~

18 (2) ~~One (1)~~ private detective licensed under this chapter ~~who is~~
 19 ~~associated with a private detective business that employs at least~~
 20 ~~fifteen (15) persons.~~

21 **(2) Two (2) security guards licensed under IC 25-30-3.**

22 (3) One (1) local law enforcement official.

23 (4) One (1) person who is not associated with the private ~~detective~~
 24 **investigator or security guard** business other than as a
 25 consumer.

26 (5) ~~One (1)~~ private detective licensed under this chapter ~~who is a~~
 27 ~~sole practitioner.~~

28 (c) A member of the board appointed by the governor serves a two
 29 (2) year term.

30 (d) The governor may remove a board member appointed by a
 31 governor for incompetency or failure to perform the member's duties
 32 under this chapter.

33 (e) If an appointed member cannot finish the member's term or is
 34 removed by the governor, the governor shall appoint a successor to
 35 serve for the remainder of the unexpired term.

36 (f) Each member of the board who is not a state employee is entitled
 37 to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such
 38 a member is also entitled to reimbursement for traveling expenses and
 39 other expenses actually incurred in connection with the member's
 40 duties, as provided in the state travel policies and procedures
 41 established by the department of administration and approved by the
 42 budget agency.

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SECTION 12. IC 25-30-1-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5.5. (a) The board shall adopt rules under IC 4-22-2 to implement this ~~chapter~~ **article**.

(b) The board may not adopt rules concerning qualifications for licensure that are so restrictive that a person may not be licensed under this ~~chapter~~ **article**.

SECTION 13. IC 25-30-1-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 6.5. The board shall issue the following types of licenses under this chapter:**

(1) **A private investigator firm license to a person who meets the requirements of section 7 of this chapter.**

(2) **A private investigator license to an individual who performs one (1) or more activities of the private investigation business as an employee for a person holding a private investigator firm license.**

SECTION 14. IC 25-30-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) An application for license as a private ~~detective investigator firm~~ must be on a form prescribed by the board accompanied by the license fee as provided by this chapter.

(b) The application shall be verified and shall include the following:

(1) The full name and business address, **including street address**, of the **individual** applicant.

(2) The name under which the **individual** applicant intends to do business as a private ~~detective~~ **investigator firm**.

(3) If the applicant is a person other than an individual, the full name and residence address of each of its members, partners, officers, and directors, and its managers.

(4) **The information required by section 8 of this chapter.**

(5) **The proof of insurance required by section 15 of this chapter.**

(6) Other information, evidence, statements, or documents required by the board.

SECTION 15. IC 25-30-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) Before the application for a **private investigator firm** license is granted, the applicant must meet all of the following:

(1) Be at least twenty-one (21) years of age.

(2) Be a resident of Indiana for at least one (1) year, except for ~~firms, partnerships, or corporations that are licensed in another state and who otherwise comply with this chapter~~ **an applicant**

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that meets the requirements of subsection (d).

(3) Have:

(A) **at least four thousand (4,000) hours of** experience in private ~~detective~~ **investigator** work under a licensee, or its equivalent;

(B) **at least four thousand (4,000) hours of** law enforcement experience;

(C) **at least a bachelor's** degree in criminal justice; or

(D) any other experience relevant to the private ~~detective~~ **investigator** business, **as determined by the board.**

(4) Demonstrate the necessary knowledge and skills, as determined by the board, to conduct a private investigator business competently.

~~as determined by the board:~~

(b) If the applicant is a corporation or a partnership:

(1) one (1) officer in the case of a corporation; or

(2) one (1) partner in the case of a partnership;

must meet the personal qualifications as set out in subsection (a), unless otherwise provided.

(c) The board may deny a license unless the applicant makes a showing satisfactory to the board that the applicant, ~~has not, if the applicant is an individual, or if a partnership or corporation, that the officer or partner referred to in subsection (b), has not, if the applicant is a corporation or a partnership:~~

(1) ~~has not~~ committed an act ~~which that~~, if committed by a licensee, would be ~~ground~~ **grounds** for the suspension or revocation of a license under this chapter;

(2) ~~has not~~ been convicted of a:

(A) felony; or

(B) ~~a~~ misdemeanor that has a direct bearing upon the applicant's ability to practice competently;

(3) ~~has not~~ been refused a license under this chapter or had a license revoked; ~~or~~

(4) ~~has not~~, while unlicensed, committed or aided and abetted commission of an act for which a license is required by this chapter;

(5) ~~is not on~~ probation or parole; and

(6) ~~is not being sought under an active warrant against the applicant.~~

(d) The board may allow the licensing under section 14 of this chapter of an applicant who holds a license as a private investigator in another state that, as determined by the board, has

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standards for licensing at least equal to those of this chapter.

SECTION 16. IC 25-30-1-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 8.5. If a change in the ownership of a private investigator firm results in the failure to meet the qualifications set forth in section 8 of this chapter:**

(1) the private investigator firm license for the private investigator business terminates on the date the change in ownership is effective; and

(2) the private investigator business must file a new application for a private investigator firm license with the board.

SECTION 17. IC 25-30-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) Upon the death of an individual **who met the qualifications set forth in section 8 of this chapter for a private investigator firm** licensed under this chapter, the business with which the decedent was connected may be carried on for a period of ninety (90) days by the following:

(1) In the case of an individual licensee, the surviving spouse, or if there is no surviving spouse, the executor or administrator of the estate of the decedent.

(2) In case of a partner, the surviving partners.

(3) In case of an officer of a firm, company, association, organization, or corporation, the other officers of the firm, company, association, organization, or corporation.

(b) Upon the authorization of the board, the business may be carried on for a further period of time when necessary to complete an investigation or assist in litigation pending at the death of the decedent.

(c) Nothing in this section authorizes the solicitation or acceptance of business after the death of the decedent except as provided by this chapter.

(d) Nothing in this section shall be construed to restrict the sale of a private ~~detective~~ **investigator** business if the vendee qualifies for a license under this chapter.

SECTION 18. IC 25-30-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) A **private investigator firm** license, when issued, shall be in a form determined by the board and shall include the following:

(1) The name of the licensee, or the names of the individual partners if the licensee is a partnership, or the names of the officers and directors of the corporation if the licensee is a corporation.

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(2) The name under which the licensee is to operate.

(3) The number and date of the license.

(4) Other information the board deems necessary.

(b) The license shall be posted in a conspicuous place in the principal place of business of the licensee.

(c) Upon the issuance of a **private investigator firm** license, a ~~pocket card~~ **private investigator license** of a design determined by the board shall be issued without charge to ~~each licensee other than a corporation; an individual applicant who meets the qualifications set out in section 8 of this chapter for the issuance of the private investigator firm license.~~ If the licensee is a corporation or partnership, ~~the pocket card~~ **a private investigator license** must be issued to each officer, partner, and manager of the corporation or partnership who also ~~meet~~ **meets** the requirements under section 8 of this chapter. Each individual who is issued a ~~pocket card~~ **private investigator license** under this subsection shall affix ~~an appropriate picture to the pocket card; and in addition to the picture the pocket card shall also contain a fingerprint of the forefinger of the licensee. When a license is revoked, the pocket card shall be surrendered and, within five (5) days after revocation, shall be mailed or delivered by the licensee to the board for cancellation.~~ **a recent picture of the individual on the back of the license.**

(d) Upon the request of a **private investigator firm** licensee, the board shall furnish each of the licensee's employees, except office employees, ~~who meet the requirements of section 11 of this chapter with an identification card.~~ **a private investigator license.** The ~~identification card shall~~ **private investigator license must** contain a recent picture of the employee; the employee's name, the licensee's name and address, ~~and the license number of the employee's employer.~~ **and a thumbprint of the employee.** The licensee shall affix ~~each employee's picture and thumbprint to the identification card.~~ **a recent picture of the employee on the back of the license.**

(e) A **private investigator firm** licensee shall notify the board within thirty (30) days after an individual who holds a **private investigator license** under subsection (d) retires, resigns, or terminates employment with the firm for any reason. If the individual leaving the firm surrenders the individual's **private investigator license** issued under subsection (d) to the firm, the firm licensee shall mail or deliver the surrendered license to the board for cancellation.

(f) A licensee shall, within thirty (30) days after a change, notify the board of any changes ~~of to:~~

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- 1 (1) the licensee's address; ~~of~~
 2 (2) the name under which the licensee does business; ~~and of a~~
 3 ~~change of~~
 4 (3) the licensee's officers, directors, members, or partners; ~~or~~
 5 (4) any material information furnished or required to be
 6 furnished to the board under this chapter.

7 (g) When a private investigator firm license is revoked, all
 8 private investigator licenses issued under that private investigator
 9 firm license must be surrendered and, within five (5) days after
 10 revocation, must be mailed or delivered by the former firm licensee
 11 to the board for cancellation.

12 ~~(f)~~ (h) A license issued under this chapter is not assignable and is
 13 personal to the licensee.

14 SECTION 19. IC 25-30-1-11 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) A **private**
 16 **investigator firm** licensee may employ, to assist the licensee in the
 17 licensee's business as a private ~~detective~~, **investigator**, as many
 18 ~~unlicensed~~ persons **who are at least eighteen (18) years of age** as may
 19 be necessary. **However, all employees employed under this**
 20 **subsection must have private investigator licenses issued under**
 21 **section 10(d) of this chapter.** The licensee is civilly responsible for
 22 the ~~good~~ conduct of an employee while the employee is acting on
 23 behalf of the licensee.

24 (b) A licensee shall maintain a record, relative to the licensee's
 25 employees, containing the following information:

- 26 (1) A picture taken within thirty (30) days of the date that the
 27 employee commences employment with the licensee.
 28 (2) A full set of fingerprints of both hands of the employee.

29 SECTION 20. IC 25-30-1-14 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) It ~~shall be~~ **is**
 31 unlawful for a person licensed by any other state to do business **as a**
 32 **private investigator** in Indiana unless the person is authorized to do
 33 business **as a private investigator** in Indiana. **Except as provided in**
 34 **subsection (b), a person may not do business as a private investigator**
 35 **in Indiana until unless** the person is licensed with the board and meets
 36 the requirements for ~~licensees of this state~~, **a private investigator firm**
 37 **license under this chapter**, except the residence requirement of one
 38 (1) year. In addition, an out-of-state person must prove to the board that
 39 the person is in good standing in the state **in which** the person was
 40 issued a license.

41 (b) **Notwithstanding the licensing requirement in subsection (a),**
 42 **the board may enter into a reciprocity agreement with another**



1 state's licensing authority to allow a person who holds a private
 2 investigator license issued by that state to work in Indiana for a
 3 prescribed period to complete an assignment originating outside
 4 Indiana. The reciprocity agreement also must allow a private
 5 investigator licensed under this chapter to complete an assignment
 6 that originates outside that state in that state. The standards for
 7 licensing in any state considered for reciprocity with Indiana must
 8 be at least equal to the standards in this chapter.

9 (c) A person licensed under this section subsection (a) must have
 10 a resident **private investigator firm** licensee:

11 (1) whose name and license number appear on the license for of
 12 the **out-of-state** private ~~detective business; investigator;~~ and

13 (2) who, in writing to the board, assumes full responsibility for the
 14 following:

15 (A) All the employees of the **out-of-state** private ~~detective~~
 16 ~~business; investigator.~~

17 (B) Maintaining all records required under this chapter in an
 18 Indiana location.

19 (C) Assuring compliance with this chapter.

20 (c) (d) The resident **private investigator firm** licensee is
 21 responsible for informing the board, in writing, of the following:

22 (1) When the relationship with an out-of-state licensee **under**
 23 **subsection (c)** is terminated.

24 (2) Where records are maintained by the resident licensee.

25 (d) (e) This section does not relieve a **an out-of-state** licensee of
 26 responsibility for complying with this chapter.

27 SECTION 21. IC 25-30-1-15 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) An applicant for
 29 a private ~~detective investigator firm~~ license ~~who employs more than~~
 30 ~~fourteen (14) others~~ must submit proof to the board that the applicant
 31 is insured by an insurance company authorized to do business in
 32 Indiana for the amount of one hundred thousand dollars (\$100,000)
 33 liability per occurrence.

34 (b) An applicant for a private detective license ~~who employs less~~
 35 ~~than fifteen (15) others~~ must do one (1) of the following:

36 (1) Post with the board a surety bond that:

37 (A) names the applicant as the principal;

38 (B) obligates the surety in the amount of seven thousand
 39 dollars (\$7,000) to the board in favor of the state;

40 (C) requires the principal, if granted a license, to conduct the
 41 business of private detective faithfully and honestly and to
 42 observe all Indiana statutes; and



(D) authorizes the board to declare the bond in default and to levy against the surety and the principal under the bond for the payment of actual damages to any person who is harmed as a result of the principal's violation of the requirements described in clause (C):

(2) Submit proof to the board that the applicant is insured by an insurance company authorized to do business in Indiana for the amount of one hundred thousand dollars (\$100,000) per liability occurrence:

(e) (b) The insurance referred to in subsections subsection (a): and (b)(2):

(1) must cover damages that the insured becomes legally obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a private detective; investigator;

(2) must include coverage for:

(A) false arrest, detention, or imprisonment;

(B) malicious prosecution; and

(C) wrongful entry or eviction, or other invasion of the right of private occupancy; and

(3) may not exclude coverage for an intentional act taken by or at the direction of the insured that results in bodily injury, if such injury arises solely from the use of reasonable force for the purpose of protecting persons or property.

(c) An applicant that holds a current security guard firm license may submit proof of the insurance required by IC 25-30-3-22 to satisfy the insurance requirements of this section.

(d) Every If a licensee who employs at least fifteen (15) others shall at all times maintain in force the insurance referred to in subsection (a): Upon a licensee's failure fails to comply with this subsection; the insurance requirements of this section, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for reinstatement of the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.

(e) Every licensee who employs less than fifteen (15) others shall at all times maintain in force a surety bond on file with the board under subsection (b)(1) or maintain in force the insurance provided by subsection (b)(2): Upon a licensee's failure to comply with this subsection; the license of the licensee shall be suspended: A license suspended under this subsection may not be reinstated until an application for the license; in the form prescribed by the board; is filed



1 ~~with the board, together with proper proof of insurance or surety bond.~~

2 ~~(f)~~ (e) The board may deny an application for the reinstatement of
3 a license suspended under this section, notwithstanding the applicant's
4 compliance with the insurance ~~or the surety bond~~ requirements of this
5 section, for any of the following:

6 (1) Any reason that would justify a refusal to issue, a suspension,
7 or a revocation of a license.

8 (2) The performance by the applicant, while the applicant's
9 license was suspended under this section, of any practice for
10 which a license under this chapter is required.

11 (g) ~~A surety bond posted with the board under this section may be~~
12 ~~canceled by the surety thirty (30) days after the surety gives the board~~
13 ~~written notice of its intent to cancel the bond. However, the~~
14 ~~cancellation of a bond under this subsection does not terminate the~~
15 ~~liability of the surety on the bond in connection with any action~~
16 ~~commenced before the cancellation of the bond.~~

17 SECTION 22. IC 25-30-1-16 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) A **private**
19 **investigator firm** license and the ~~identification cards~~ **private**
20 **investigator licenses** of the licensee's employees issued under this
21 chapter expire two (2) years from the date of issuance of the **private**
22 **investigator firm** license.

23 (b) A licensee desiring a renewal license must:

24 (1) file an application for renewal at least thirty (30) days before
25 the expiration of the licensee's license on a form as prescribed by
26 the board; and

27 (2) meet the license renewal requirements determined by the
28 board, **including any continuing education requirements.**

29 (c) **Each licensee must complete the continuing education**
30 **required by the board before the end of each license renewal**
31 **period.**

32 (d) **The board shall adopt rules concerning the continuing**
33 **education required for the renewal of a license under this chapter.**

34 (e) **The rules must do the following:**

35 (1) **Establish procedures for approving organizations that**
36 **provide continuing education.**

37 (2) **Establish a fee for each hour of continuing education**
38 **required after a license is issued or renewed.**

39 (3) **Prescribe the content, duration, and organization of**
40 **continuing education courses that contribute to the general**
41 **competence of private investigators.**

42 (f) A license may be reinstated within thirty (30) days after the

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1 expiration of the license if the applicant does the following:

- 2 (1) Files an application for renewal with the board.
- 3 (2) Meets the license requirements determined by the board.
- 4 (3) Pays the license and delinquent fees.

5 ~~(d)~~ **(g) Employee identification cards issued under this chapter A**
 6 **private investigator license** expires at the same time as the **private**
 7 **investigator firm** license ~~referred to in subsection (a): under which~~
 8 **the private investigator license is issued.**

9 SECTION 23. IC 25-30-1-17 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. (a) The board shall
 11 charge and the licensing agency shall collect the following private
 12 ~~detective investigator~~ license fees:

13 (1) For ~~each~~ issuance or renewal of a ~~private detective~~ **private**
 14 **investigator firm** license, a fee of one hundred fifty dollars
 15 **(\$150) except as provided in subsection (b).**

16 (2) For ~~identification cards for unlicensed employees each~~
 17 **private investigator license** issued under section 10(d) of this
 18 chapter, a fee of:

19 (A) ten dollars (\$10); or

20 (B) five dollars (\$5) if application for the ~~identification card~~
 21 **private investigator license** is made in the second year of the
 22 **licensee's employer's private investigator firm** license.

23 (3) For reinstatement of a license referred to in section ~~16(c)~~
 24 **15(d)** of this chapter, a delinquent fee of seventy-five dollars
 25 **(\$75).**

26 **(b) If an applicant that holds a valid security guard firm license**
 27 **applies for the issuance or renewal of a private investigator firm**
 28 **license and provides proof of payment of the fee required under**
 29 **IC 25-30-3-24(a)(1), the fee for the private investigator firm license**
 30 **is fifty dollars (\$50).**

31 **(c)** All fees collected under this chapter shall go into the general
 32 fund and shall be accounted for by the licensing agency.

33 ~~(c)~~ **(d)** A license fee shall not be refunded unless a showing is made
 34 of ineligibility to receive the license by failure to meet the requirements
 35 of this chapter, or by a showing of mistake, inadvertence, or error in the
 36 collection of the fee. **When a fee is refunded, the licensing agency**
 37 **shall retain fifty dollars (\$50) to cover the cost of processing the**
 38 **application.**

39 SECTION 24. IC 25-30-1-21 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. (a) Except as
 41 provided in ~~subsection~~ **subsections (b) and (f)**, a person who violates
 42 this chapter commits a Class A misdemeanor.



(b) A person who is not exempt under section 5 **or 14** of this chapter, who does not have a ~~private detective~~ license **described in section 6.5 of this chapter**, and who:

(1) engages in the private ~~detective~~ **investigator** business;

(2) solicits or advertises for business as a private ~~detective~~; **investigator**; or

(3) in any way represents to be a private ~~detective~~; **investigator**; commits a Class ~~A~~ **infraction**; **C misdemeanor**.

(c) In addition to any other fine imposed on the person, the court shall fine the person convicted of an offense under subsection (b) the amount of compensation earned by the person in the commission of the offense. ~~Notwithstanding IC 34-28-5-4(a), the total fine imposed under this section may exceed ten thousand dollars (\$10,000) if necessary to comply with this subsection.~~

(d) Each transaction under subsection (b) constitutes a separate offense.

(e) A complaint for a violation of this chapter or for an injunction under section 22 of this chapter is sufficient if the complaint alleges that a person on a specific day in a specific county:

(1) acted as a private ~~detective~~; **investigator**;

(2) solicited or advertised for business as a private ~~detective~~; **investigator**; or

(3) represented to be a private ~~detective~~; **investigator**; without a ~~private detective~~ license **described in section 6.5 of this chapter**.

(f) **An individual who fails or refuses to surrender a private investigator license issued under section 10(d) of this chapter when the individual retires, resigns, or terminates employment with the firm under which the license was issued commits a Class C misdemeanor.**

SECTION 25. IC 25-30-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 3. Licensing of Security Guards

Sec. 1. This chapter may be cited as the "Security Guard Licensing Law".

Sec. 2. (a) Except as provided in subsection (b), this chapter does not apply to a law enforcement officer (as defined in IC 3-6-6-36) who has graduated from a law enforcement academy and is employed full time as a law enforcement officer.

(b) This chapter applies to a law enforcement officer to the extent that the law enforcement officer is engaged in the security

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guard business as an individual with the assistance of a licensed or unlicensed person.

Sec. 3. As used in this chapter, "board" refers to the private investigator and security guard licensing board established by IC 25-30-1-5.1.

Sec. 4. As used in this chapter, "industrial plant" means a factory, business, or concern that is engaged primarily in the manufacture or assembly of goods or the processing of raw materials, or both.

Sec. 5. As used in this chapter, "licensee" means a person licensed under this chapter.

Sec. 6. As used in this chapter, "licensing agency" refers to the Indiana professional licensing agency established by IC 25-1-6-3.

Sec. 7. As used in this chapter, "person" means an individual, a firm, a company, an association, an organization, a partnership, or a corporation.

Sec. 8. As used in this chapter, "resident" means a person who has established an actual domicile in Indiana.

Sec. 9. As used in this chapter, "security guard" means a person who conducts a security guard business with or without the assistance of an employee.

Sec. 10. As used in this chapter, "security guard business" means the business of furnishing, for hire or reward, a guard, guards, or other persons to protect persons or property or to prevent the misappropriation or concealment of goods, wares, merchandise, money, bonds, stocks, choses in action, notes, or other valuable documents or papers.

Sec. 11. It is unlawful for a person to engage in the security guard business, solicit or advertise for business as a security guard, or represent or hold the person out to be a security guard unless the person:

- (1) is licensed under this chapter;
- (2) complies with this chapter; and
- (3) complies with rules adopted under this chapter.

Sec. 12. This chapter does not require any of the following persons to be licensed under this chapter:

- (1) A law enforcement officer of the United States, a state, or a political subdivision of a state to the extent that the officer or employee is engaged in the performance of the officer's or employee's official duties.
- (2) An armored service agency to the extent that the agency is engaged in the business of transporting property to prevent

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the theft or unlawful taking of goods, wares, merchandise, or money.

(3) A person who:

(A) is hired to guard and protect the properties of railroad companies; and

(B) is licensed as a railroad policeman under IC 8-3-17.

(4) A person who hires a security guard for an industrial plant.

(5) A person who hires a security guard for a retail merchant's establishment.

Sec. 13. The board shall issue the following types of licenses under this chapter:

(1) A security firm license to a person who meets the requirements of section 14 of this chapter.

(2) A security guard license to an individual who performs one (1) or more activities of the security guard business as an employee for a person holding a security firm license.

Sec. 14. (a) An application for a security firm license must be on a form prescribed by the board and accompanied by the license fee as provided by this chapter.

(b) The application must be verified and must include the following:

(1) The full name and business address, including street address, of the individual applicant.

(2) The name under which the individual applicant intends to do business as a security firm.

(3) If the applicant is a person other than an individual, the full name and residence address of each of its members, partners, officers, directors, and managers.

(4) The information required by section 15 of this chapter.

(5) The proof of insurance required by section 22 of this chapter.

(6) Other information, evidence, statements, or documents required by the board.

Sec. 15. (a) Before an application for a security firm license is granted, the applicant must meet the following requirements:

(1) Be at least eighteen (18) years of age.

(2) Be a resident of Indiana for at least one (1) year, except for an applicant that meets the requirements of subsection (e).

(3) Have:

(A) at least four thousand (4,000) hours of experience in security guard work under a licensee, or its equivalent;

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(B) at least four thousand (4,000) hours of law enforcement or prison guard experience;

(C) at least a bachelor's degree in criminal justice or another subject as approved by the board; or

(D) any other experience relevant to the security guard business as determined by the board.

(4) Demonstrate the necessary knowledge and skills, as determined by the board, to conduct a security firm business competently.

(b) If the applicant is a corporation or a partnership:

(1) one (1) officer, in the case of a corporation; or

(2) one (1) partner, in the case of a partnership;

must meet the personal qualifications set out in subsection (a) unless otherwise provided.

(c) The board may deny a license to an applicant unless the applicant makes a showing satisfactory to the board that the applicant, if the applicant is an individual, or the officer or partner referred to in subsection (b), if the applicant is a corporation or a partnership:

(1) has not committed an act that, if committed by a licensee, would be grounds for the suspension or revocation of a license under this chapter;

(2) has not been convicted of a:

(A) felony; or

(B) misdemeanor that has a direct bearing upon the applicant's ability to practice competently;

(3) has not been refused a license under this chapter or had a license revoked;

(4) has not, while unlicensed, committed or aided and abetted the commission of an act for which a license is required by this chapter;

(5) is not on probation or parole; and

(6) is not being sought under an active warrant against the applicant.

(d) The board may allow the licensing under section 21 of this chapter of an applicant who holds a license as a security guard in another state that, as determined by the board, has standards for licensing at least equal to those of this chapter.

Sec. 16. If a change in the ownership of a security guard business results in the failure to meet the qualifications set out in section 15 of this chapter:

(1) the security firm license for the security guard business

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terminates on the date the change in ownership is effective;
and

(2) the security guard business must file a new application for a security firm license with the board.

Sec. 17. (a) Upon the death of an individual who met the qualifications set out in section 15 of this chapter for a security firm licensed under this chapter, the business with which the decedent was connected may be carried on for ninety (90) days by the following:

(1) In the case of an individual licensee, the surviving spouse, or if there is no surviving spouse, the executor or administrator of the estate of the decedent.

(2) In the case of a partner, the surviving partners.

(3) In the case of an officer of a firm, a company, an association, an organization, or a corporation, the other officers of the firm, company, association, organization, or corporation.

(b) Upon authorization by the board, the business may be carried on for a longer period when necessary to complete an investigation or assist in litigation pending at the time of the licensee's death.

(c) This section does not authorize the solicitation or acceptance of business after the death of a licensee except as provided by this chapter.

(d) This section does not restrict the sale of a security guard business if the vendee qualifies for a license under this chapter.

Sec. 18. (a) A security firm license, when issued, must be in a form determined by the board and must include the following:

(1) The name of the licensee, the names of the individual partners if the licensee is a partnership, or the names of the officers and directors of the corporation if the licensee is a corporation.

(2) The name under which the licensee is to operate.

(3) The number of the license and the date on which the license is issued.

(4) Other information the board considers necessary.

(b) The license shall be posted in a conspicuous place in the principal place of business of the licensee.

(c) Upon the issuance of a security firm license, a security guard employee license of a design determined by the board shall be issued without charge to an individual applicant who meets the qualifications set forth in section 15 of this chapter for the issuance

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of the security firm license. If the licensee is a corporation or partnership, the security guard license must be issued to each officer, partner, and manager of the corporation or partnership who also meets the requirements under section 15 of this chapter. Each individual who is issued a security guard license under this subsection shall affix a recent picture of the individual on the back of the license.

(d) Upon the request of a security firm licensee, the board shall furnish each of the licensee's employees who meet the requirements of section 19 of this chapter, except office employees, with a security guard license. The security guard license must contain the following:

- (1) The employee's name.
- (2) The licensee's name and address.
- (3) The license number of the employee's employer.
- (4) A recent picture of the employee, affixed on the back of the authorized security guard license by the employer.

(e) A security firm licensee shall notify the board within thirty (30) days after an individual who holds a security guard license under subsection (d) retires, resigns, or terminates employment with the firm for any reason. If the individual leaving the firm surrenders the security guard license issued under subsection (d) to the firm, the firm licensee shall mail or deliver the surrendered license to the board for cancellation.

(f) A licensee, within thirty (30) days after a change, shall notify the board of any changes to:

- (1) the licensee's address;
- (2) the name under which the licensee does business;
- (3) the licensee's officers, directors, members, or partners; or
- (4) any material information furnished or required to be furnished to the board under this chapter.

(g) When a security firm license is revoked, all security guard licenses issued under that security firm license must be surrendered and, not later than five (5) days after revocation, must be mailed or delivered by the former security firm licensee to the board for cancellation.

(h) A license issued under this chapter is not assignable and is personal to the licensee.

Sec. 19. (a) A security firm licensee may employ as a security guard as many persons who are at least eighteen (18) years of age as may be necessary to assist the licensee in the licensee's business. However, each employee employed under this subsection must

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1 have a security guard license issued under section 18(d) of this
 2 chapter. The licensee is civilly responsible for the conduct of an
 3 employee while the employee is acting on behalf of the licensee.

4 (b) A security firm licensee shall maintain a record, relative to
 5 the licensee's employees, containing the following information:

6 (1) A picture taken within thirty (30) days after the employee
 7 begins employment with the licensee.

8 (2) A full set of fingerprints of both hands of the employee.

9 Sec. 20. An advertisement by a licensee soliciting or advertising
 10 for business must contain the name and address of the licensee as
 11 they appear in the records of the board.

12 Sec. 21. (a) It is unlawful for a person licensed by another state
 13 to do business as a security guard in Indiana unless the person is
 14 authorized to do business as a security guard in Indiana. Except as
 15 provided in subsection (b), a person may not do business as a
 16 security guard in Indiana unless the person is licensed by the board
 17 and meets the requirements for a security firm license under this
 18 chapter, except for the one (1) year residence requirement. In
 19 addition, an out-of-state person must prove to the board that the
 20 person is in good standing in the state in which the person was
 21 issued a license.

22 (b) Notwithstanding the licensing requirement in subsection (a),
 23 the board may enter into a reciprocity agreement with another
 24 state's licensing authority to allow a person who holds a security
 25 firm license issued by that state to work in Indiana for a prescribed
 26 period to complete an assignment originating outside Indiana. The
 27 reciprocity agreement also must allow a security firm licensed
 28 under this chapter to complete an assignment that originates
 29 outside that state in that state. The standards for licensing in any
 30 state considered for reciprocity with Indiana must be at least equal
 31 to the standards in this chapter.

32 (c) A person licensed under subsection (a) must have a resident
 33 security firm licensee:

34 (1) whose name and license number appear on the license of
 35 the out-of-state security firm; and

36 (2) who, in writing to the board, assumes full responsibility
 37 for the following:

38 (A) All the employees of the out-of-state security firm.

39 (B) Maintaining all records required under this chapter in
 40 an Indiana location.

41 (C) Assuring compliance with this chapter.

42 (d) The resident security firm licensee is responsible for

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informing the board, in writing, of the following:

(1) When the relationship with an out-of-state licensee under subsection (c) is terminated.

(2) Where records are maintained by the resident licensee.

(e) This section does not relieve an out-of-state licensee of responsibility for complying with this chapter.

Sec. 22. (a) An applicant for a security firm license must submit proof to the board that the applicant is insured by an insurance company authorized to do business in Indiana for the amount of one hundred thousand dollars (\$100,000) liability per occurrence.

(b) The insurance referred to in subsection (a):

(1) must cover damages that the insured becomes legally obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a security guard;

(2) must include coverage for:

(A) false arrest, detention, or imprisonment;

(B) malicious prosecution; and

(C) wrongful entry or eviction, or other invasion of the right of private occupancy; and

(3) may not exclude coverage for an intentional act taken by or at the direction of the insured that results in bodily injury, if the injury arises solely from the use of reasonable force to protect persons or property.

(c) An applicant that holds a valid private investigator firm license may submit proof of the insurance required by IC 25-30-1-15 to satisfy the insurance requirements of this section.

(d) If a licensee fails to comply with the insurance requirements of this section, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for reinstatement of the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.

(e) The board may deny an application for the reinstatement of a license suspended under this section, notwithstanding the applicant's compliance with the insurance requirements of this section, for any of the following:

(1) Any reason that would justify a refusal to issue, a suspension of, or a revocation of a license.

(2) The performance by the applicant, while the applicant's license was suspended under this section, of any practice for which a license under this chapter is required.

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1 **Sec. 23. (a) A security firm license and the security guard**
 2 **licenses of the licensee's employees issued under this chapter expire**
 3 **two (2) years after the date of issuance of the security firm license.**

4 **(b) In order to renew a license, a licensee must:**

5 **(1) file an application for renewal at least thirty (30) days**
 6 **before the expiration of the licensee's license on a form**
 7 **prescribed by the board; and**

8 **(2) meet the license renewal requirements determined by the**
 9 **board, including any continuing education requirements.**

10 **(c) Each licensee must complete the continuing education**
 11 **required by the board before the end of each license renewal**
 12 **period.**

13 **(d) The board shall adopt rules concerning the continuing**
 14 **education required for the renewal of a license under this chapter.**

15 **(e) The rules must do the following:**

16 **(1) Establish procedures for approving organizations that**
 17 **provide continuing education.**

18 **(2) Establish a fee for each hour of continuing education**
 19 **required for the renewal of a license under this chapter.**

20 **(3) Prescribe the content, duration, and organization of**
 21 **continuing education courses that contribute to the general**
 22 **competence of security guards.**

23 **(f) A license may be reinstated within thirty (30) days after the**
 24 **expiration of the license if the applicant does the following:**

25 **(1) Files an application for renewal with the board.**

26 **(2) Meets the license requirements determined by the board.**

27 **(3) Pays the license and delinquent fees.**

28 **(g) Security guard licenses expire at the same time as the**
 29 **security firm license under which the security guard licenses were**
 30 **issued.**

31 **Sec. 24. (a) The board shall charge and the licensing agency**
 32 **shall collect the following security guard license fees:**

33 **(1) For each issuance or renewal of a security firm license, a**
 34 **fee of one hundred fifty dollars (\$150), except as provided in**
 35 **subsection (b).**

36 **(2) For each security guard license issued under section 18(d)**
 37 **of this chapter, a fee of:**

38 **(A) ten dollars (\$10); or**

39 **(B) five dollars (\$5), if application for the security guard**
 40 **license is made in the second year of the employer's**
 41 **security firm license.**

42 **(3) For reinstatement of a license referred to in section 22(d)**

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of this chapter, a delinquent fee of seventy-five dollars (\$75).

(b) If an applicant that holds a valid private investigator firm license applies for the issuance or renewal of a security firm license and provides proof of payment of the fee required under IC 25-30-1-17(a)(1), the fee for the security firm license is fifty dollars (\$50).

(c) All fees collected under this chapter must be deposited in the state general fund and must be accounted for by the licensing agency.

(d) A license fee may not be refunded unless a showing is made of ineligibility to receive the license based upon failure to meet the requirements of this chapter or based upon a showing of mistake, inadvertence, or error in the collection of the fee. When a fee is refunded, the licensing agency shall retain fifty dollars (\$50) to cover the cost of processing the application.

Sec. 25. (a) The proceedings under this chapter shall be conducted in accordance with IC 4-21.5, and the board has the powers granted under IC 4-21.5.

(b) The board may impose sanctions against a licensee under IC 25-1-11 if the board determines that the licensee has done any of the following:

(1) Forcibly and without the consent of the person in lawful possession, entered a building or part of a building.

(2) Impersonated, or permitted or aided and abetted an employee to impersonate, a law enforcement officer, an employee of the United States government, an employee of the state, or an employee of a political subdivision of the state.

(3) During the period between the expiration of a license for failure to renew within the time fixed by this chapter and the reinstatement of the license, committed or permitted an employee to commit an act that would be cause for suspension or revocation of a license or grounds for the denial of an application for a license.

(4) Committed an act that is grounds for the denial of an application for a license under this chapter.

Sec. 26. This chapter does not authorize a licensee to carry any weapon.

Sec. 27. The prosecuting attorney to whom the board reports a violation of this chapter shall cause proceedings to be commenced against a person who violates this chapter and to prosecute the person to final termination.

Sec. 28. A person who files a civil action to collect fees for



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performing acts regulated by this chapter must allege and prove that when the action arose, the person was not in violation of section 30 of this chapter.

Sec. 29. (a) Except as provided in subsections (b) and (f), a person who knowingly or intentionally violates this chapter commits a Class A misdemeanor.

(b) This section does not apply to a person who is exempt under section 12 of this chapter. A person who:

- (1) engages in the security guard business;
- (2) solicits or advertises for business as a security guard; or
- (3) in any way represents to be a security guard;

without a license issued under section 13 of this chapter commits a Class C misdemeanor.

(c) In addition to any other penalty imposed on a person who violates subsection (b), the court shall impose a penalty upon the person in the amount of the compensation earned by the person in the commission of the offense.

(d) Each violation under subsection (b) constitutes a separate offense.

(e) A complaint for a violation of this chapter or for an injunction under section 30 of this chapter is sufficient if the complaint alleges that a person on a specific day in a specific county:

- (1) acted as a security guard;
- (2) solicited or advertised for business as a security guard; or
- (3) represented to be a security guard;

without a license described in section 13 of this chapter.

(f) An individual who fails or refuses to surrender a security guard license issued under section 18(d) of this chapter when the individual retires, resigns, or terminates employment with the firm under which the license was issued commits a Class C misdemeanor.

Sec. 30. (a) If the board determines that a person who is not licensed or exempt under this chapter is engaged in an activity that requires a license, the board may send a notice of hearing requiring the person to show cause why the challenged activity does not violate this chapter. The notice must be in writing and include the following information:

- (1) The date, time, and place of the hearing.
- (2) The alleged violation.
- (3) A statement that the affected person or the person's representative may present evidence concerning the alleged



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violation.

(b) A hearing conducted under this section must comply with IC 4-21.5.

(c) If the board, after a hearing, determines that the activity the person engaged in is subject to licensing under this chapter, the board may issue a cease and desist order that describes the person and the activities that are the subject of the order.

(d) A cease and desist order issued under this section is enforceable in the circuit courts.

(e) The attorney general, the board, or the prosecuting attorney of a county where a violation of section 29(b) of this chapter occurs may file an action in the name of the state for an injunction.

SECTION 26. [EFFECTIVE JULY 1, 2003] (a) As used in this SECTION, "board" refers to the private investigator and security guard licensing board established by IC 25-30-1-5.1, as amended by this act.

(b) Not later than July 1, 2004, the board shall waive the requirements for and issue:

(1) a private investigator firm license under IC 25-30-1, as amended by this act; or

(2) a security guard firm license under IC 25-30-3, as added by this act;

to a person who holds a valid private detective license on July 1, 2003.

(c) The licenses issued under subsection (b) expire two (2) years from the date of issuance.

(d) A person that holds a valid private detective license on July 1, 2003, does not violate IC 25-30-1-21, as amended by this act, or IC 25-30-3-29, as added by this act, and may not be disciplined for failure to have a private investigator firm license or a security guard firm license before July 1, 2004.

(e) This SECTION expires July 2, 2004.

SECTION 27. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "board" refers to the private investigator and security guard licensing board established by IC 25-30-1-5.1, as amended by this act.

(b) The governor shall make the initial appointments of the security guard board members required under IC 25-30-1-5.1(b)(2), as amended by this act, not later than July 1, 2003, for terms expiring as follows:

(1) One (1) security guard member for a term expiring June 30, 2004.



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- 1 **(2) One (1) security guard member for a term expiring June**
 2 **30, 2005.**
 3 **In making an initial appointment, the governor shall indicate the**
 4 **length of the term for which the individual is appointed.**
 5 **(c) The initial terms of the security guard board members begin**
 6 **July 1, 2003.**
 7 **(d) An individual who is not licensed as a security guard as**
 8 **required by IC 25-30-1-5.1(b)(2), as amended by this act, may be**
 9 **appointed to the board if the individual:**
 10 **(1) meets the requirements of IC 25-30-3-15, as added by this**
 11 **act; and**
 12 **(2) obtains a license under IC 25-30-3, as added by this act,**
 13 **not later than July 1, 2004.**
 14 **(e) A board member appointed under subsection (d) who does**
 15 **not obtain the requisite license under IC 25-30-3, as added by this**
 16 **act, shall be considered to have resigned from the board on that**
 17 **date, and the governor shall fill the vacancy under**
 18 **IC 25-30-1-5.1(e).**
 19 **(f) Not later than March 15, 2004, the board shall adopt rules**
 20 **under IC 4-22-2 to carry out this act.**
 21 **(g) This SECTION expires July 1, 2005.**
 22 **SECTION 28. An emergency is declared for this act.**

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